REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action. Before doing so, however, the undersigned would like to thank Examiner Aggarwal for courtesies extended during a telephone interview on July 3, 2008 (referred to as "the telephone interview"). The telephone interview is summarized here.

Telephone Interview Summary

This statement of the substance of the Interview summarizes the issues discussed during the July 3, 2008 telephone interview. This Interview Summary is presented in the format suggested in MPEP § 713.04 by the Patent Office.

Date of Interview: July 3, 2008
Type of Interview: Telephone
Name of Participants:
- Examiner: Yogesh Aggarwal

- For Applicants: Leonard P. Linardakis

A. ***Exhibit(s) Shown***: None

B. ***Claims discussed***: 1

C. ***References Discussed***: U.S. Patent Application Publication No. 2004/0012714 ("the **Kawai** publication")

D. **Proposed Amendments discussed:**

- The applicants' representative proposed replacing the phrase "in turn" with the phrase "being successively applied" as suggested by the Examiner in the Advisory Action dated June 18, 2008 (Paper No. 20080615).

E. ***Discussion of General Thrust of the Principal Arguments***

- The applicants' representative proposed amending claim 1 by replacing the phrase "in turn" with the phrase "being successively applied," as suggested by the Examiner in the Advisory Action dated June 18, 2008 (Paper No. 20080615).

F. ***Other Pertinent Matters Discussed:*** None

G. ***General Results/Outcome of Interview***

- Examiner Aggarwal indicated that the proposed amendment would overcome the teachings of the Kawai publication. The Examiner indicated that, even with said amendment, another search may need to be performed before determining whether the application was in condition for allowance.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 4, 6, 9 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0012714 ("the Kawai publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claim 1, as amended, is not anticipated by the Kawai publication because the Kawai Publication does not teach a photographing device provided with a dust removing mechanism comprising a control circuit which changes a frequency of a periodic drive signal to a plurality of frequencies close to two or more resonance frequencies different in order from each other, to thereby cause an optical element to be vibrated at the plurality of frequencies ***being successively applied***.

As discussed during the telephone interview, claim 1 was amended to replace the phrase "in turn" with the phrase "being successively applied" as suggested by the Examiner in the Advisory Action dated June 18, 2008 (Paper No. 20080615). The Examiner indicated during the telephone interview that the proposed amendment would overcome the teachings of the Kawai publication.

Thus, in view of the foregoing amendment, claim 1 is not anticipated by the Kawai publication for at least this reason. Since claim 2 depends from claim 1, this claim is similarly not anticipated by the Kawai publication.

Independent claim 4 is not anticipated by the Kawai publication because the Kawai Publication does not teach a control circuit that first outputs a control signal for causing an optical element to undergo a low-order resonance vibration and then a control signal for causing the optical element to undergo a high-order resonance vibration. Similarly, independent claim 9 is not anticipated by the Kawai publication because the Kawai publication does not teach a control circuit which causes an optical element to generate standing-wave vibration, and controls a frequency of a periodic drive signal to cause nodes of the standing-wave vibration to be successively shifted.

With respect to independent claim 4, the Examiner contends that paragraphs [0036], [0037], [0042], [0043], [0045] and [0048] of the Kawai publication, teach "a control circuit which changes a frequency of the periodic drive signal to a plurality of frequencies close to two or more resonance frequencies different in order from each other, to thereby cause the optical element to be vibrated at the plurality of frequencies in turn." (Paper No. 20080203, pages 2 and 3.) The applicants respectfully disagree.

Paragraph [0036] of the Kawai publication merely explains the vibration pattern at the time of subjecting the optical element to a first-order vibration with reference to FIGS. 5A to 5I, and paragraph [0037] merely explains an equation of a resonance frequency at the time of generating a first-order vibration.

Furthermore, paragraph [0042] of the Kawai publication explains a structure for causing the optical element to generate a traveling wave with reference to

FIG. 6, paragraph [0043] explains that a vibration wave travels over the surface of the optical element with the passage of time with reference to FIG. 7, and paragraph [0045] explains how dust is removed due to the progressive wave. It contains a description to the effect that the frequency of the progressive wave is made to be three times greater than that of the standing wave in the first embodiment (its wavelength is one third of that in the first embodiment). This is simply intended to ***compare*** the frequency of the standing wave in the first embodiment with that of the traveling wave in the second embodiment. That is, it does not teach (nor does it suggest) that ***the frequency of the traveling wave is successively changed to different ones***.

Paragraph [0048] of the Kawai publication merely explains a modification of the first embodiment and that of the second embodiment; that is, it does not disclose that the order of the standing wave is successively changed to different ones.

As is clear from the above, the control circuit recited in claim 4 is not disclosed in any of paragraphs [0036], [0037], [0042], [0043], [0045] and [0048] of the Kawai publication. Consequently, claim 4 is not anticipated by the Kawai publication for at least the foregoing reasons. Since claim 6 depends from claim 4, it is similarly not anticipated by the Kawai publication.

Regarding independent claim 9, the Examiner contends that paragraph [0048] and FIG. 7 of the Kawai publication disclose "a control circuit which causes the optical element to generate standing-wave vibration, and controls a frequency of the periodic drive signal to cause nodes of the standing-wave vibration to be successively

shifted". (Paper No. 20080203, page 3 and Paper No. 20080615, page 2.) The applicants respectfully disagree.

Paragraph [0048] of the Kawai publication merely explains a modification of the first embodiment and that of the second embodiment, and contains no description concerning "control circuit" as recited in claim 9. In particular, FIG. 7 of the Kawai publication schematically shows how a traveling wave generating at the surface of the glass plate travels (how a wave generated at the surface of the glass plate changes with the passage of time), and does not teach (or suggest) that nodes of the standing-wave vibration are successively shifted in position and number. Furthermore, FIG. 7 ***does not teach the variation of the frequency of the traveling wave (variation of the order)***. It merely shows two waves with the same frequency whose phases have been shifted 90 degrees.

As is clear from the above, the control circuit of claim 9 is not disclosed in paragraph [0048] and FIG. 7 of the Kawai publication. Accordingly, independent claim 9 is not anticipated by the Kawai publication for at least the foregoing reason. Since claim 10 depends from independent claim 9, it is similarly not anticipated by the Kawai publication.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain ***only*** to the specific aspects of the invention ***claimed***. Any claim amendments or cancellations, and any arguments, are made ***without prejudice to, or disclaimer of***, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

July 7, 2008

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Leonard P. Linardakis
Type or print name of person signing certification

Signature

July 7, 2008
Date